



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 9, 2021

  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:	§	
AAC Holding Corp., <sup>1</sup>	§	Chapter 11
	§	
Debtor.	§	Case No. 21-30057 (HDH)
	§	
AAC Holding Corp.; Prudential Capital	§	
Partners IV, L.P.; Prudential Capital Partners	§	
Management Fund IV, L.P.; Prudential Capital	§	
Partners (Parallel Fund) IV, L.P.; and Falcon	§	
Strategic Partners IV, LP,	§	
	§	
Plaintiffs,	§	Adversary No. 21-03002 (HDH)
	§	
v.	§	
	§	
Bradley Dietz; Don MacKenzie; and Cerberus	§	
Business Finance, LLC,	§	
	§	
Defendants.	§	

**STIPULATION AND AGREED ORDER**

This Stipulation and Agreed Order is entered into this 3rd day of February, 2021, by and among Prudential Capital Partners IV, L.P., Prudential Capital Partners Management Fund IV,

<sup>1</sup> The Debtor's mailing address is 1550 W. Mockingbird Lane, Dallas, TX 75235.

L.P., Prudential Capital Partners (Parallel Fund) IV, L.P., and Falcon Strategic Partners IV, LP (collectively, “PCP-Falcon”); Cerberus Business Finance, LLC (“Cerberus”); Bradley Dietz; Don MacKenzie; and AAC Holding Corp. (the “Voluntary Debtor”) (together, the “Parties”).

### **RECITALS**

**WHEREAS**, PCP-Falcon and the Voluntary Debtor filed the Complaint on January 15, 2021 [Adv. Dkt. No. 1];

**WHEREAS**, the Court held a status conference on January 21, 2021, at which the Parties notified the Court of ongoing settlement discussions and asked for a brief continuance;

**WHEREAS**, the Court held a second status conference on January 27, 2021, and the Parties again notified the Court of ongoing settlement discussions and asked for a second brief continuance;

**WHEREAS**, the Court held a third status conference on February 3, 2021, and the Parties notified the Court of a likely settlement and that the Parties would be filing the instant stipulation at the earliest possible time to ask for an extension of all deadlines;

**WHEREAS**, the Parties have agreed by stipulation on February 3, 2021 to extend the answer dates issued by the Court on January 15, 2021 [Adv. Dkt. No. 2] until 5:00 Central Time on February 25, 2021;

**WHEREAS**, the Parties have further agreed by stipulation on February 3, 2021 to toll all other deadlines, including any pleading or responsive deadlines, until 5:00 Central Time on February 25, 2021;

**WHEREAS**, good cause exists to toll all deadlines in that the Parties are currently engaged in productive settlement discussions aimed at reflecting a global resolution and preventing further litigation;

**WHEREAS**, the Parties require additional time to finalize the settlement agreement reached in principle.

**IT IS NOW THEREFORE STIPULATED AND AGREED AS FOLLOWS:**

The deadline for Bradley Dietz; Don MacKenzie; and Cerberus Business Finance, LLC to answer, move, or otherwise respond to the Complaint filed by AAC Holding Corp.; Prudential Capital Partners IV, L.P.; Prudential Capital Partners Management Fund IV, L.P.; Prudential Capital Partners (Parallel Fund) IV, L.P.; and Falcon Strategic Partners IV, LP is hereby extended until 5:00 p.m. Central Time on February 25, 2021. Further, all other deadlines shall be tolled until 5:00 p.m. Central Time on February 25, 2021.

**### END OF ORDER ###**

**STIPULATED AND AGREED TO BY:**

By: /s/ Lydia R. Webb

Jason S. Brookner

TBN: 24033684

Lydia R. Webb

TBN: 24083758

**GRAY REED & MCGRAW LLP**

1601 Elm Street, Suite 4600

Dallas, Texas 75201

Telephone: (214) 954-4135

Facsimile: (214) 953-1332

Email: jbrookner@grayreed.com

lwebb@grayreed.com

-and-

Paul M. Basta (*pro hac vice*)

Lewis R. Clayton (*pro hac vice*)

Robert A. Britton (*pro hac vice*)

William A. Clareman (*pro hac vice*)

Sean A. Mitchell (*pro hac vice*)

**PAUL WEISS, RIFKIND WHARTON & GARRISON LLP**

1285 Avenue of the Americas

New York, New York 10019

Telephone: (212) 373-3000

Facsimile: (212) 757-3990

Email: pbasta@paulweiss.com

lclayton@paulweiss.com

rbritton@paulweiss.com

wclareman@paulweiss.com

smitchell@paulweiss.com

*Counsel for Prudential Capital Partners IV, L.P.;  
Prudential Capital Partners Management Fund  
IV, L.P.; Prudential Capital Partners (Parallel Fund)  
IV, L.P.; and Falcon Strategic Partners IV, LP,*

By: /s/ Susan B. Hersh

Susan B. Hersh

Texas State Bar No. 09543925

**SUSAN B. HERSH, P.C.**

12770 Coit Road, Suite 1100

Dallas, Texas 75251

Telephone: (972) 503-7070

Fax: (972) 503-7077

Email: susan@susanbherishpc.com

*Proposed Counsel to AAC Holding Corp.*

By: /s/ Amy K. Anderson

Adam C. Harris

(*pro hac vice* forthcoming)

Gayle R. Klein

Texas Bar No. 00797348

Peter J. Amend

(*pro hac vice* forthcoming)

Kelly (Bucky) Knight

(*pro hac vice* forthcoming)

**SCHULTE ROTH & ZABEL LLP**

919 Third Avenue

New York, New York 10022

Tel: (212) 756-2000

Fax: (212) 593-5955

Email: adam.harris@srz.com

gayle.klein@srz.com

peter.amend@srz.com

kelly.knight@srz.com

Joseph E. Bain

Texas Bar No. 24085187

Amy K. Anderson

Texas Bar No. 24077064

Gabrielle A. Ramirez

(*pro hac vice* forthcoming)

**JONES WALKER LLP**

811 Main Street, Suite 2900

Houston, Texas 77002

Tel: (713) 437-1800

Fax: (713) 437-1810

Email: jbain@joneswalker.com

aanderson@joneswalker.com

gramirez@joneswalker.com

Mark A. Mintz

(*pro hac vice* forthcoming)

Caroline V. McCaffrey

(*pro hac vice* forthcoming)

**JONES WALKER LLP**

201 St. Charles Avenue

New Orleans, Louisiana 70170

Tel: (504) 582-8000

Fax: (504) 582-8583

Email: mmintz@joneswalker.com

cmccaffrey@joneswalker.com

*Counsel to Defendant Cerberus  
Business Finance, LLC*

By: /s/ Laura Davis Jones

Laura Davis Jones

**PACHULSKI STANG ZIEHL & JONES LLP**

919 North Market Street, 17th Floor

P.O. Box 8705

Wilmington, Delaware 19899 (Courier 19801)

Telephone: (302) 652-4100

Facsimile: (302) 652-4400

Email: ljones@pszjlaw.com

Michael D. Warner (TX Bar No. 00792304)

**PACHULSKI STANG ZIEHL & JONES LLP**

440 Louisiana Street, Suite 900

Houston, Texas 77002

Telephone: (713) 691-9385

Facsimile: (713) 691-9407

Email: mwarner@pszjlaw.com

*Counsel to Bradley Dietz and Don MacKenzie*